

# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) GIBBS, CALVIN, R.		2. SSN [REDACTED]	3. GRADE OR RANK SSG	4. PAY GRADE E-6
5. UNIT OR ORGANIZATION B Company, 2d Battalion, 1st Infantry Regiment, 2d Brigade (SBCT), 2d Infantry Division, Joint Base Lewis-McChord, WA 98433			6. CURRENT SERVICE a. INITIAL DATE 04 DEC 06 b. TERM 6 Years	
7. PAY PER MONTH a. BASIC \$3,051.00 b. SEA/FOREIGN DUTY None c. TOTAL \$3,051.00			8. NATURE OF RESTRAINT OF ACCUSED Pretrial Confinement	
9. DATE(S) IMPOSED 12 May 2010				

## II. CHARGES AND SPECIFICATIONS

### 10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 81

**SPECIFICATION 1:** In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 November 2009 and on or about 11 May 2010, conspire with members of Bravo Company, 2d Battalion, 1st Infantry Regiment, 5th Brigade (SBCT), 2d Infantry Division to commit an offense under the Uniform Code of Military Justice, to wit: premeditated murder of Afghan noncombatants, and in order to effect the object of the conspiracy Staff Sergeant (E-6) Calvin R. Gibbs, Corporal (E-4) Jeremy N. Morlock, Private First Class (E-3) Andrew H. Holmes, Specialist (E-4) Michael S. Wagnon II, and Specialist (E-4) Adam C. Winfield did throw grenades at and shoot with firearms 3 males of apparent Afghan descent.

**SPECIFICATION 2:** In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on or about 5 May 2010, conspire with Corporal (E-4) Jeremy N. Morlock, Staff Sergeant (E-6) David D. Bram, Specialist (E-4) Adam W. Kelly, Specialist (E-4) Corey A. Moore, Sergeant (E-5) Darren N. Jones, and Corporal (E-4) Emmitt R. Quintal to commit an offense under the Uniform Code of Military Justice, to wit: assault consummated by a battery of [REDACTED] and in order to effect the object of the conspiracy the said Staff Sergeant (E-6) Calvin R. Gibbs, Corporal (E-4) Jeremy N. Morlock, Staff Sergeant (E-6) David D. Bram, Specialist (E-4) Adam W. Kelly, Specialist (E-4) Corey A. Moore, Sergeant (E-5) Darren N. Jones, and Corporal (E-4) Emmitt R. Quintal did strike [REDACTED] on the body with their fists and feet.

(See Continuation Sheet)

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE O-3	c. ORGANIZATION OF ACCUSER 2-1 IN BN, 2/2 ID (SBCT)
d. SIGNATURE OF ACCUSER [REDACTED]		e. DATE 13 Aug 2010

**AFFIDAVIT:** Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 13th day of August, 2010, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

OSJA, I Corps  
Organization of Officer

Typed Name of Officer

O-3

Article 136, UCMJ

Official Capacity to Administer Oath  
(See R.C.M. 307(b) - must be a commissioned officer)

Signature

12.

On 13 Aug 2010, 2010, the accused was informed of the charges against him and of the name of the accuser known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted]  
Typed Name of Immediate Commander

2-1 IN BN, 2/2 ID SBCT

Organization of Immediate Commander

O-3

[Redacted]  
Signature

#### IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at \_\_\_\_\_ hours, \_\_\_\_\_, 2010, at

HQ, 2-1 IN BN, 2/2 ID (SBCT)

Designation of Command or

Joint Base Lewis-McChord, WA 98433

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE <sup>1</sup>

[Redacted]  
Typed Name of Officer

COMMANDING

Official Capacity of Officer Signing

O-4

Grade

[Redacted]  
Signature

#### V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

Referred for trial to the \_\_\_\_\_ Court-martial convened by \_\_\_\_\_

20

, subject to the following instructions:<sup>2</sup>

By \_\_\_\_\_

of \_\_\_\_\_

Command or Order

[Redacted]  
Typed Name of Officer

Official Capacity of Officer Signing

[Redacted]  
Grade

[Redacted]  
Signature

15.

On \_\_\_\_\_, 20 \_\_\_\_\_, I (caused to be) served a copy hereof on (each of) the above named accused.

[Redacted]  
Typed Name of Trial Counsel

O-3

Grade or Rank of Trial Counsel

[Redacted]  
Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.  
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

CONTINUATION SHEET, DD FORM 458, PERTAINING TO GIBBS, Calvin, R., SSG, [REDACTED]  
B Company, 2d Battalion, 1<sup>st</sup> Infantry Regiment, 2d Brigade (SBCT), 2d Infantry Division, Joint Base  
Lewis-McChord, Washington 98433

Item 10 (Cont'd)

SPECIFICATION 3: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 March 2010 and on or about 31 March 2010, conspire with Staff Sergeant (E-6) Robert G. Stevens, Sergeant (E-6) Darren N. Jones, [REDACTED] Specialist (E-4) Adam C. Winfield, Specialist (E-4) Michael S. Wagnon II, and Private First Class (E-3) Ashton A. Moore to commit an offense under the Uniform Code of Military Justice, to wit: aggravated assault with a dangerous weapon upon three males of apparent Afghan descent, and in order to effect the object of the conspiracy the said Staff Sergeant (E-6) Calvin R. Gibbs, Staff Sergeant (E-6) Robert G. Stevens, Sergeant (E-5) Darren N. Jones, Specialist (E-4) Michael S. Wagnon II, and Private First Class (E-3) Ashton A. Moore did shoot at three males of apparent Afghan descent with dangerous weapons, to wit: loaded firearms.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 118

SPECIFICATION 1: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 January 2010 and on or about 31 January 2010, with premeditation, murder a male of apparent Afghan descent by means of throwing a fragmentary grenade at him and shooting him with firearms.

SPECIFICATION 2: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on or about 22 February 2010, with premeditation, murder a male of apparent Afghan descent by means of shooting him with firearms.

SPECIFICATION 3: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on or about 2 May 2010, with premeditation, murder a male of apparent Afghan descent by means of throwing a grenade at him and shooting him with firearms.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 134

SPECIFICATION 1: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 November 2009 and on or about 11 May 2010, possess finger bones, leg bones, and a tooth taken from Afghan corpses, which conduct was prejudicial to the good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

SPECIFICATION 2: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 November 2010 and on or about 31 December 2010, wrongfully solicit [REDACTED] to cut the finger off a male corpse of apparent Afghan descent by telling [REDACTED] to cut off the finger before someone saw them which conduct was prejudicial to the good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

Item 10 (Cont'd)

SPECIFICATION 3: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on or about 5 May 2010, wrongfully endeavor to impede an investigation in the cases of U.S. v. Specialist (E-4) Adam W. Kelly, U.S. v. Corporal (E-4) Emmitt R. Quintal, U.S. v. Corporal (E-4) Jeremy N. Morlock, U.S. v. Sergeant (E-5) Darren N. Jones, U.S. v. Specialist (E-4) Corey A. Moore, and other suspected hashish users by striking [REDACTED] on the body with his hands and feet, threatening to kill him if he spoke about hashish use within the platoon to members of the chain of command and law enforcement authorities, and showing him fingers removed from a corpse which conduct was prejudicial to the good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

SPECIFICATION 4: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 5 May 2010 and on or about 12 May 2010, wrongfully endeavor to impede an investigation in the case of U.S. v. Staff Sergeant (E-6) Calvin R. Gibbs by telling Specialist (E-4) Adam C. Winfield to lie to CID investigators when questioned about Specialist (E-4) Adam C. Winfield's platoon's involvement in drug use and the unlawful killings of Afghan noncombatants which conduct was prejudicial to the good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

SPECIFICATION 5: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 November 2010 and on or about 11 May 2010 wrongfully communicate to Specialist (E-4) Adam C. Winfield a threat to injure him by stating, "I'm going to send you home by dropping a tow bar on you," or words to that effect which conduct was prejudicial to the good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 128

SPECIFICATION 1: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on or about 5 May 2010, unlawfully strike [REDACTED] on the body with his hands and feet.

SPECIFICATION 2: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 March 2010 and on or about 31 March 2010, commit an assault upon three males of apparent Afghan descent by shooting at them with a dangerous weapon, to wit: a loaded firearm.

CHARGE V: VIOLATION OF THE UCMJ, ARTICLE 92

SPECIFICATION 1: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, who knew or should have known of his duties at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 November 2009 and on or about 11 May 2010, was derelict in the performance of those duties in that he willfully failed to properly account for and dispose of an AK-47 rifle, AK-47 magazines, and body armor taken from Afghanistan National Police personnel as it was his duty to do.

SPECIFICATION 2: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 November 2009 and on or about 11 May 2010, violate a lawful general order, to wit: paragraph 2f, General Order No. 1B, dated 13 March 2006, by wrongfully retaining Rocket Propelled Grenades and mortar rounds for personal use.

CONTINUATION SHEET, DD FORM 458, PERTAINING TO GIBBS, Calvin, R., SSG, [REDACTED]  
B Company, 2d Battalion, 1<sup>st</sup> Infantry Regiment, 2d Brigade (SBCT), 2d Infantry Division, Joint Base  
Lewis-McChord, Washington 98433

Item 10 (Cont'd)

SPECIFICATION 3: In that Staff Sergeant (E-6) Calvin R. Gibbs, U.S. Army, who knew or should have known of his duties at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 November 2009 and on or about 11 May 2010, was derelict in the performance of those duties in that he willfully failed to properly account for and dispose of fragmentary grenades and a claymore mine as it was his duty to do.